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In re Application of	:	DEC 28 2007
Masayuki Hori	:	
Application No. 10/799699	:	<b>OFFICE OF PETITIONS</b>
Filing or 371(c) Date: 03/15/2004	:	
Attorney Docket Number:	:	
T4025.0036/P036	:	ON PETITION

This is a decision on the Petition Under 37 C.F.R. §1.181(a), filed November 15, 2007.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed May 3, 2007. The Office action set a three (3) month period for reply from the mail date of the Office action. Extensions of time were available under 37 CFR 1.136(a). No reply having been received, the application became abandoned on August 4, 2007. The mailing of this Decision precedes the mailing of a Notice of Abandonment.

**Applicant's Assertion**

Applicant files the present petition and asserts that a timely reply to the Office action was filed on August 3, 2007, and received by this Office as evidenced by the copy of Applicant's return-receipt postcard. In support of this assertion, Applicant files a copy of the Reply and a copy of his return-receipt postcard acknowledging receipt by this Office of the Reply on August 3, 2007.


"A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." MPEP § 503.

In view of the foregoing, the petition is granted. The holding of abandonment is hereby withdrawn.

No petition fee has been charged and none is due.

The application will be referred to Technology Center Art Unit 2627 for processing of the Reply, and for continued examination in due course.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

  
Derek L. Woods  
Attorney  
Office of Petitions